

U.S. DEPTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
GRANTS PASS RESOURCE AREA

**Categorical Exclusion Determination and Decision Record for  
the issuance of a  
Right-of-Way Grant under Title V of the Federal Land Policy and Management Act (as  
Amended), P.L. 94-579, and the regulations at 43 CFR 2800  
Serial No. OR 064954  
CE-OR-117-08-21**

**Location of Right-of-Way and Name of Applicant:**

T. 35 S., R. 5 W., Sections 21 & 22,  
Medford District, Grants Pass Resource Area, Josephine County  
HUC6: Louse Cr, 171003100203 (see Exhibit A Map attached).  
Applicant: John and Lorina Noveske

**Description of Proposed Action**

The proposed action is the issuance of right-of-way grant to John and Lorina Noveske (applicant), under the provisions at 43 CFR Part 2800, and Title V of P.L. 94-579; 90 Stat 2743. This has been serialized as case No. OR 064954.

The requested period of use is for a term of perpetual.

The proposed uses include:

The use and maintenance of existing roads (identified in the table below) for the purposes of timber hauling and of ingress and egress to timber land property owned by the applicant which is located in:

T. 35, , R. 5 W, Sec. 22, E1/2SW1/4.

BLM Roads to be Included in Right-of-Way			
BLM Road / Segment No.	Segment Length	Length to be Used	Present Surface Type
35-5-21.1	1.0	1.0 mi	rock
35-5-22.2	0.16	0.16	rock

The affected roads and/or lands are located in Josephine County on BLM lands administered by the Grants Pass Resource area. The proposed right-of-way location is shown on the attached map labeled as Exhibit A.

## **Project Design Features**

See Exhibits B and C attached hereto.

## **Plan Conformance Review**

This proposed action is consistent with policy directed by the following:

- the *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994);
- the *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004);
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)
- Final Supplement to the 2004 *Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (FSEIS, 2007 and ROD, 2007).<sup>1</sup>

<sup>1</sup>Complete title: *Record of Decision to Remove the Survey and Manage Mitigation measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl.*

The proposed action is in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

This proposed action is consistent with management direction in the Medford District Resource Management Plan that directs the BLM to continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon state-wide planning goals and rules, and the exclusion and avoidance areas identified in the Resource Management Plan (USDI 1995, p. 82).

## **Categorical Exclusion Determination**

This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9, E, Realty (16). This section allows for: *Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.*

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances,” included in 516 DM 2, Appendix 2, must be reviewed for applicability (See

attached review). After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

**Contact Person**

For additional information concerning this project, contact Tony Kerwin, Project Leader, at (541) 471-6564.

Prepared and Reviewed by:

  
\_\_\_\_\_  
Tony Kerwin, Environmental Planner      6/2/08  
Grants Pass Resource Area      Date:

**Decision**

It is my decision to authorize right-of-way grant serial No. OR 064954 as described in the Proposed Action. The Right-of-Way grant is planned to be issued in 2008.

**Decision Rationale**

The proposed action has been reviewed by the Grants Pass Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the environment and no further environmental analysis is required.

For                                        6-2-08  
Abbie Jossie, Field Manager      Date  
Grants Pass Resource Area

## **ADMINISTRATIVE REMEDIES:**

Administrative review of right-of-way decisions requiring National Environmental Policy Act (NEPA) assessment will be available under 43 CFR Part 4 to those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410 (a) – (c)). Other than the applicant/proponent for the right-of-way action, in order to be considered a “party to the case” the person claiming to be adversely affected by the decision must show that they have notified the BLM that they have a “legally cognizable interest” and the decision on appeal has caused or is substantially likely to cause injury to that interest (See 43 CFR § 4.410(d)).

## **EFFECTIVE DATE OF DECISION**

This is a land decision on a right-of-way application. All BLM decisions under 43 CFR Part 2800 remain in effect pending an appeal (See 43 CFR § 2801.10) unless the Secretary rules otherwise. Rights-of-Way decisions that remain in effect pending an appeal are considered as “in full force and effective immediately” upon issuance of a decision. **Thus, this decision is now in effect.**

## **RIGHT OF APPEAL**

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after the date of service. Only signed hard copies of a notice of appeal that are delivered to the following address will be accepted:

*BUREAU OF LAND MANAGEMENT  
GRANTS PASS INTERAGENCY OFFICE  
2164 NE Spalding  
Grants Pass, OR 97526*

Faxed or e-mailed appeals will not be considered.

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,

2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor and John and Lorina Noveske at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations. 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until IBLA makes a final ruling on the case.

## **HOW TO FILE AN APPEAL**

See the attached Form 1842-1 for complete instructions on Filing an Appeal

## **CONTACT INFORMATION**

For additional information contact:

Abbie Jossie, Field Manager, Grants Pass Resource Area

Grants Pass Interagency Office

Bureau of Land Management

2164 NE Spalding

Grants Pass, OR 97526

(541)471-6652

Or Tony Kerwin (Grants Pass Resource Area Environmental Planner) at (541)471-6564

Additional contact addresses include:

- U.S. Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
801 N. Quincy Street, MS 300-QC  
Arlington, Virginia 22203
- Regional Solicitor  
Pacific Northwest Region  
U.S. Department of the Interior  
500 N.E. Multnomah Street, Suite 607  
Portland, Oregon 97232
- John and Lorina Noveske  
PO Box 1401  
Grants Pass, OR 97528

Attachments:

Exhibit A Map

Exhibit B: Other Terms and Conditions

Exhibit C: Roadside brushing specifications

Form 1842-1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

<b>1. NOTICE OF APPEAL.....</b>	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
<hr/>	
<b>2. WHERE TO FILE</b>	
NOTICE OF APPEAL.....	U.S. Department of the Interior, Bureau of Land Management Grants Pass Interagency Office 2164 NE Spalding Grants Pass, OR 97526
WITH COPY TO SOLICITOR....	Regional Solicitor, Pacific Northwest Region U.S. Dept. of the Interior Lloyd 500 Building, Suite 607 Portland, OR 97232
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<b>3. STATEMENT OF REASONS</b>	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Regional Solicitor, Pacific Northwest Region U.S. Dept. of the Interior Lloyd 500 Building, Suite 607 Portland, OR 97232
<hr/>	
<b>4. ADVERSE PARTIES.....</b>	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
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<b>5. PROOF OF SERVICE.....</b>	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
<hr/>	
<b>6. REQUEST FOR STAY.....</b>	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay <b>must</b> also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.  <b>Standards for Obtaining a Stay.</b> Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

#### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)



## NEPA Categorical Exclusion Review

### Proposed Action:

The use and maintenance of existing roads (identified in the table below) for the purposes of timber hauling and of ingress and egress to timber land property owned by the applicant.

Department of the Interior Manual 516 DM 2, Appendix 2 provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the proposed action based on actions which may:

1. *Have significant impacts on public health or safety.*

No      Remarks: This project is virtually the same as numerous other projects and no such impacts have been identified.

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource, park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*

No      Remarks: activities occur within an established ROW and no effects are anticipated.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

No      Remarks: This is standard use for this type of road.

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

No      Remarks: Environmental risks are the same as other similar projects.

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

No      Remarks: This project is similar to many other projects and does not set a precedent for future actions.

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes      Remarks: This project authorizes use of an existing road – there are no other connected actions.

7. *Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.*

No      Remarks: No impacts are expected as all activities occur in previously disturbed areas.

8. *Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.*

Plants      No

Animals      No

Fish      No

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

No      Remarks: There is no evidence that this proposal will violate any laws.

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

No      Remarks:

11. *Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).*

No      Remarks: This project places no restrictions on access by any other party.

12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).*

No

**Reviewers:**

Steve W. Scholten 5/20/2008  
Silviculture, Vegetation Dynamics  
& Port-Orford Cedar Date

Robin M. S. G. H. 5/29/2008  
Botany Date

Joan Brennan 5/23/08  
Cultural Resources Date

Jon Rayson 5/14/08  
Fisheries Date

Joan Reif 5/14/08  
Wildlife Date

Michael DeBlasi 5/14/08  
Soils/Hydrology Date

J. M. K. 5/14/08  
Visual Resources / Recreation Date

James B. Proper 5/20/08  
Engineering Date

# Right of Way Grant to Oregon Land Group, LLC

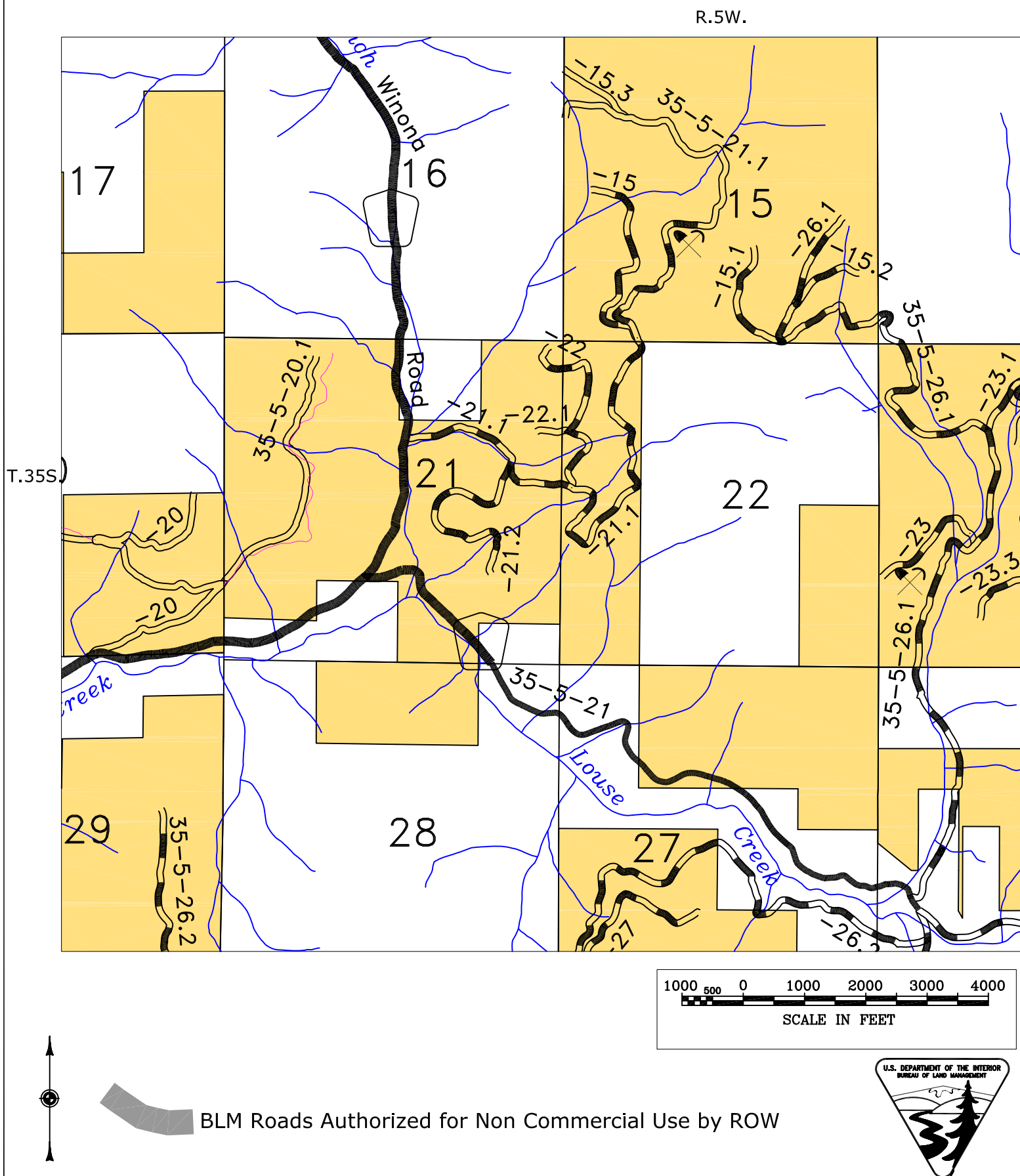


Exhibit B

**Rights-of-Way Stipulations**

\*The Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/ operations under this grant. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1979, deadline for a fiscal year 1981 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

The Holder shall promptly remove and dispose of all waste caused by its activities as directed by the Authorized Officer. The term "waste" as used herein means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, ashes, and equipment.

\*The United States will not be held liable for any damage to the road caused by the general public or as a result of fire, wind, or other natural disasters or as a result of silvicultural practices, timber harvesting operations, or other actions stemming from the land management activities of the Bureau of Land Management.

Cultural and Paleontological Resources. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

The Holder shall not use dirt roads as access routes when such use would cause severe rutting or erosion, as determined by the Authorized Officer. Construction, use, maintenance, and termination activities shall be suspended on public lands if soil condition warrants, as determined by the Authorized Officer.

The Holder(s) shall not place signs, gates, or barricades on public land, its resources, or improvements without prior written approval from the Authorized Officer.

Whenever the Holder(s) intends to partition or subdivide his (or their) property for non-commercial use or whenever two or more persons (or organizations) not a part of the same nuclear family wish to obtain a right-of-way over a new or existing road for non-commercial use, this office will encourage the establishment of a property-owner's association. The association will be treated as a single entity, and a savings may therefore be realized by the members, who will be entitled to share the expenses involved in a single grant. To qualify, the association will be required to submit a copy of its charter. The Authorized Officer will provide, upon request, a list of the required charter elements.

The holder will be responsible for all preventive and corrective access road maintenance operations under this grant on road 35-5-21.1 and 22.2. This may include, but not be limited to, blading the roadway, cleaning the ditches and drainage facilities, dust abatement, or other requirements as directed by the Authorized Officer. (see attached Exhibit C)

The Holder shall contact the Authorized Officer or his representative at least 15 days prior to the anticipated start of log hauling to schedule a prehauling conference. This conference shall be attended by the Holders, or his designated representative(s), and all contractors or agents involved with hauling activities under this grant, and the Authorized Officer or his representative(s). The Authorized Officer is the BLM Grants Pass Field Manager, and his designated representative is:

Name: Jim Roper  
Title: Grants Pass Area Engineer  
Address: 3040 Biddle Road  
Telephone No: 541-471-6631

## EXHIBIT C

### SPECIFICATIONS - ROADSIDE BRUSHING

#### C.1.0 GENERAL

C.1.1 Description of Work - The work consists of cutting and removing trees and other vegetative growth along both sides of the roadway including bridges.

C.1.2 Operating Permit - State law requires a permit to operate power run machinery. The Contractor shall obtain the permit from the local State Forestry Office prior to the operation of power driven machinery.

#### C.1.3 Environmental Considerations

1. Equipment Cleaning: Brushing equipment shall be washed prior to entering BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

2. To minimize the spread of Port Orford Cedar Root Disease into noninfected areas the following measures shall be taken:

- a) All contractor equipment and vehicles shall be steam cleaned or washed with high pressure water hose before entering the project area and before leaving the project area. The project areas are shown on the Vicinity Map. Washing will take place at a designated washing station approved by the Contracting Officer. Before leaving the washing station soil and organic matter shall be removed from equipment and vehicles. The equipment used for washing will be sufficient to remove all soil and organic matter from equipment and vehicles. The water used for cleaning contractor equipment and vehicles shall be in quantities sufficient to complete the required washing. The water used at the washing station will be well water or Municipal water.
- b) All water used at the washing station shall drain away from creeks, streams, and the area used for washing.
- c) Report noxious weeds to Grants Pass Resource Area Engineering or Botanists before treating.

3. Do not remove vegetation in Riparian Area with out written Authorization.

4. Do not operate equipment in Riparian Areas with out written Authorization.

## C.2.0 DEFINITIONS

Culvert - Any structure which provides a passageway, drain, or waterway under a road or embankment.

Cutting Limits - The vegetation cutting and removal area described in the specifications and/or shown on the exhibit.

Drainage Ditch - A specific type of furrow ditch located within or abutting the roadbed.

Right-of-Way - A general term denoting land, property, or interest therein (usually a strip) acquired for or devoted to transportation purposes.

Roadbed - The portion of a road within the intersection of the top surface and side slopes, excluding that portion of the ditch below the top surface.

Roadside - A general term denoting the area between the roadway and the Right-of-Way line.

Running Surface - The portion of the roadway or bridge for the movement of vehicles, exclusive of shoulders on asphalt paved roads.

Sight Distance - The length of road or bridge ahead visible to the vehicle driver.

Shoulder - The portion of the roadway contiguous with the running surface for accommodation of stopped vehicles or emergency use.

Surface Course - The top layer of a pavement structure, sometimes called the wearing course, usually designed to resist skidding, traffic abrasion, and the disintegrating effects of climate.

Traveled Way - The portion of the roadway for the movement of vehicles, exclusive of shoulders on asphalt paved roads. For purpose of this contract, traveled way includes turnouts and curve widening.

Turnouts - A short auxiliary lane on a one-lane road provided for safe passage of meeting vehicles.

Vegetation - All trees, woody plants, vines etc.



## C.5.0 SPECIFIC TASKS

C.5.1 Work shall be performed manually with hand tools including chainsaws. Self-propelled equipment shall not be allowed. The area to be cut shall consist of the roadbed surface, cut slopes and fill slopes.

C.5.1.1 Cutting Limits - The measured horizontal distance beyond the ditch centerline and the measured horizontal distance from the outside shoulder as shown on Drawing OR-11-9113.4-10

C.5.1.2 Bridges - The cutting limits beneath or adjacent to bridges shall extend 8 feet horizontally from each side of the outermost projected line of the bridge including abutments, curbs, rails or decks. All cut brush and trees shall be removed from beneath the bridge and from the stream channel in accordance with either Section C.5.3(a) or Section C.5.3(b).

C.5.1.3 Sight Distance - When needed for sight distance on the inside of circular curves, the middle ordinate measured from the edge of shoulder shall not exceed 25 feet as measured parallel with the slope, and the long chord shall be no less than 200 feet as shown on Drawing OR-11-9113.4-10, Sight Distance Diagram.

C.5.2.0 Cutting Requirements - Permittee shall:

- (a) Cut all vegetation taller than (6) inches in height within the cutting limits that have a trunk or bole less than (7) inches in diameter when measured (54) inches above the ground surface. Vegetation exempted from cutting are trees left from thinning and spacing described in section C.5.2.0(g).
- (b) Cut all vegetation to a maximum height of (1) inch above the ground. All remaining limbs shall be severed from the stump. Sharp pointed ends will not be permitted. Cuts shall be parallel to the existing surface.
- (c) Cut all limbs from trees that have a trunk or bole (7) inches or greater in diameter when measured (54) inches above the ground surface within the cutting limits. Limbs shall be cut to within (1) inch of the limb collar at the trunk or bole for the entire circumference of the trunk and to a height of (14) feet as measured from the roadway surface.
- (d) Cut all limbs that extend into the cutting limits from trees growing outside of the cutting limits. Limbs shall be cut to within (1) inch of the limb collar at the trunk or bole surface. The cutting limit area shall be cleared of all limbs to a height of (14) feet as measured from the roadway surface.

- (e) Clear all vegetation for a minimum of (4) foot radius from all culvert inlets.
- (f) Cut all vegetation as described in Section C.5.2.0 on straight sections of road except as follows: Vegetation need not be cut beyond the outside shoulder of the road where the shoulder is more than (4) feet beyond the basic lane width as shown on Drawing OR-11-9113.4-10
- (g) Thin, space and prune trees through curved sections of road for visibility as shown in Drawing OR-11-9113.4-10. Thinning and spacing of trees shall be a minimum (10) feet in height and (10) feet apart. A minimum (1/3) tree crown shall be maintained on any pruned tree.

#### C.5.3 Debris - Handling/Disposal

- (a) Roads to be brushed: Debris resulting from roadside brushing shall be scattered down slope below the road shoulder. No debris shall be left in the ditches, channels, catch basins, culverts, roadway, fences, cattle guards, or on the cut slope. Debris shall not be allowed to accumulate in concentrations, but shall be further reduced or removed. Concentrations will be defined as any debris, limbs or branches touching each other or piled on top of each other or any material sticking up over (2) feet in elevation above the ground.
- (b) Roads to be brushed and chipped: Debris resulting from roadside brushing shall be chipped. No debris shall be left in the ditches, channels, catch basins, culverts, roadway, fill slopes or cut slopes. Maximum chip pile size shall be (3) feet in diameter by (2) feet in height. No chip pile shall be located within (20) feet of any stream channel.
- (c) Cut trees or debris shall not be allowed to stand or lean against other standing uncut trees or brush. Such "hangups" shall be removed, reduced and scattered down slope.

C.5.4 Signs, markers, other road appurtenances, and other specially marked items are to remain in place.

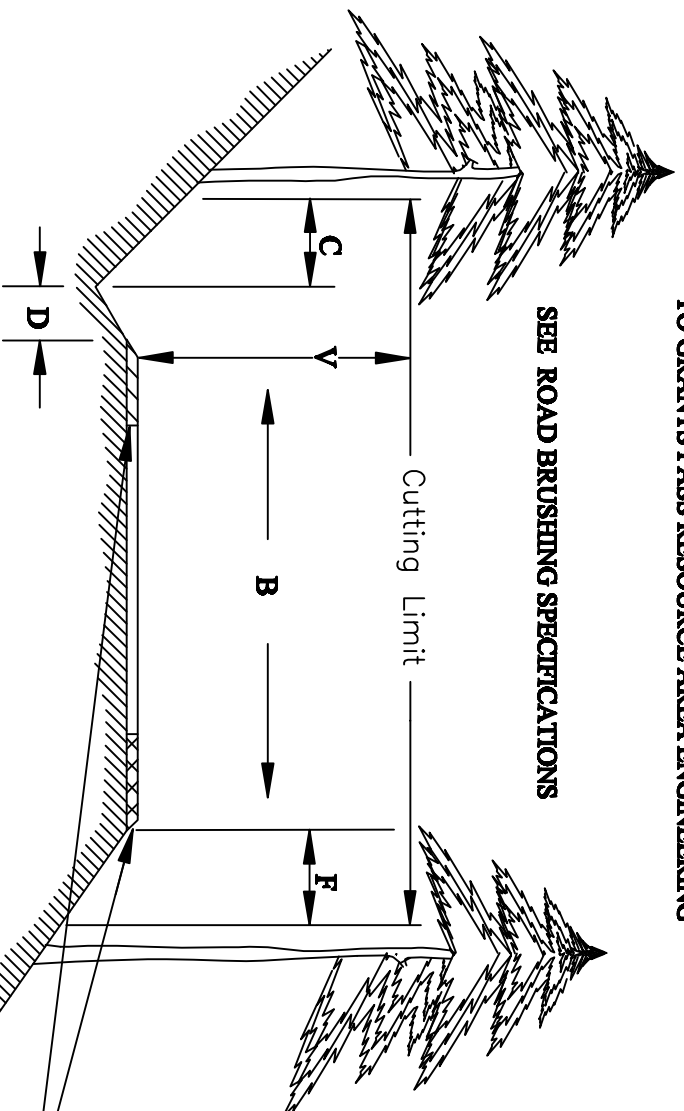
C.5.5 Traffic warning signs meeting the minimum requirements as stated in the Manual for Uniform Traffic Control Devices (MUTCD) for shape, size, color and legend shall be provided at each end of the active operating areas.

SUBMITT AN ANNUAL MAINTENANCE OPERATING PLAN FOR APPROVAL  
TO GRANTS PASS RESOURCE AREA ENGINEERING

Right of Way Maintenance

SHEET 1 OF 1

SEE ROAD BRUSHING SPECIFICATIONS



$$\text{Cutting Limit} = C + D + B + F$$

B = Basic lane width (includes turnouts)  
Width shall be determined by the PI

C = 4 ft - Distance to be brushed on cut slope beyond centerline of ditch

D = Centerline of ditch to inside shoulder

F = Distance to be brushed on fill slope beyond outside shoulder  
(F = 4 when H is 4 ft or less)  
(F = 0 when H is greater than 4 ft)

V = 14 ft - Height of vertical cutting limit

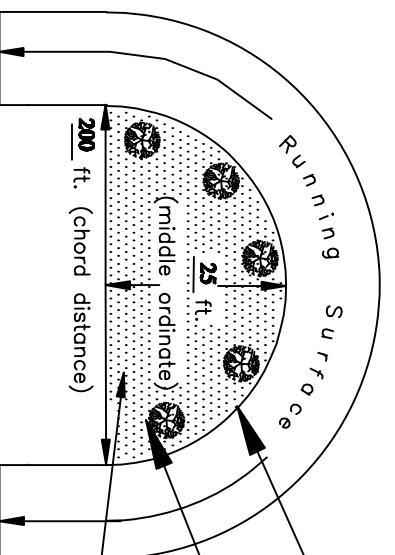
Do not operate equipment in Riparian Areas without written Authorization

Replace Shoulder rock with 3/4 inch minus crushed aggregate  
Backfill potholes with 3/4 inch minus crushed aggregate for Natural and Aggregate Surface Roads

Bituminous Surface roads, repair potholes with Asphalt  
Report all Noxious plants to BLM

Don't remove vegetation in Riparian Areas without Authorization

Brushing Diagram



Inside shoulder

Thin, space and prune trees through curved sections of road for visibility as shown. Thinning and spacing of trees shall be a minimum (10) feet apart. A minimum (1/3) tree crown shall be maintained on any pruned tree.

Area to be cut

Typical Basic lane widths

One lane low traffic volume ..... 12 to 16 ft  
One lane medium traffic volume .. 16 to 20 ft  
Two lane high volume traffic ..... 20 to 40 ft  
Turnouts ..... 10 ft

NOTES:

Cutting and Removal of vegetation from ditches and roadway is incidental to brushing within cutting limits.

All distances shown are horizontal except for V

Rt of Way Maintenance  
Detail

UNITED STATES DEPARTMENT OF THE INTERIOR			
BUREAU OF LAND MANAGEMENT			
GRANTS PASS R.A. GRANTS PASS OREGON			
DESIGNED	BLM		
REVIEWED			
APPROVED			
DRAWN	JRR	SCALE	NONE
DATE	April 2008	SHEET	1 OF 1
DRAWING NO.	OR-11-9113.4-10		